

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DANA ANDREW, as Legal Guardian of
RYAN T. PRETNER, and RYAN PRETNER,
individually,

Plaintiffs,

v.

CENTURY SURETY COMPANY, a foreign
corporation; and DOES 1-10, inclusive,

Defendants.

Case No. 2:12-cv-00978-APG-PAL

ORDER DENYING:

- (1) DEFENDANT'S WRITTEN
OBJECTION/MOTION TO STRIKE
PLAINTIFFS' EVIDENCE (#104-1),
and
(2) MOTION TO EXTEND PAGE LIMIT
(Dkt. #109)**

On August 14, 2013, Defendant Century Surety Co. ("Defendant") filed a document entitled Written Objections/Motion to Strike Plaintiffs' Evidence Filed in Opposition to Century's Counter Motion for Summary Judgment or in the Alternative Motion for Partial Summary Judgment ("Objection"). (ECF#104-1). This Objection/Motion was improperly filed as an attachment to Defendant's Reply in support of its Counter Motion for Summary Judgment. On September 3, 2013, Plaintiffs Dana Andrew and Ryan Pretner ("Plaintiffs") filed a Motion to Extend the Page Limit of Plaintiffs' Opposition to Defendant Century Surety Company's Written Objections/Motion to Strike Plaintiffs' Evidence Filed in Opposition to Century's Counter Motion for Summary Judgment or in the Alternative Motion for Partial Summary Judgment ("Motion to Extend"). (ECF#109). On September 19, 2013, Defendant filed a Reply to Plaintiffs' Opposition to Motion to Strike Plaintiffs' Evidence Filed in Support of Their Opposition to Motion for Summary Judgment. (ECF#114). Again, Defendant improperly attached to that Reply a document entitled Written Objections to Supplemental Affidavit of Eric

1 Tran Filed in Support of Plaintiffs' Opposition to Century's Written Objections/Motion to Strike
2 Evidence in Support of Century's Motion for Summary Judgment. (ECF#114-1).

3 At issue are two exhibits that Plaintiffs filed in support of their Response in Opposition to
4 Defendant's Motion for Summary Judgment (ECF#93): Exhibit 37 (the Affidavit of Bernard
5 Feldman), and Exhibit 38 (the Declaration of Eric Tran). Mr. Feldman's Affidavit features expert
6 opinion about, among other things, the adequacy of Defendant's investigation into whether
7 Michael Vasquez was driving in the scope of his employment with Blue Streak Auto Detailing.
8 Eric Tran's Declaration purports to authenticate Exhibit 38 as a print-out of a website for Blue
9 Streak Auto Detailing, LLC. Because the Court has not relied on those exhibits in deciding that
10 summary judgment is not appropriately granted in favor of either party, the Court overrules
11 Defendant's Objections. Accordingly, Plaintiffs Motion to Extend is denied as moot.

12 It is hereby ordered that Defendant's Written Objections/Motion to Strike Plaintiffs'
13 Evidence Filed in Opposition to Century's Counter Motion for Summary Judgment or in the
14 Alternative Motion for Partial Summary Judgment (ECF#104-1) is **OVERRULED**.

15 It is further ordered that Defendant's Written Objections to Supplemental Affidavit of Eric
16 Tran Filed in Support of Plaintiffs' Opposition to Century's Written Objections/Motion to Strike
17 Evidence in Support of Century's Motion for Summary Judgment (ECF#114-1) is
18 **OVERRULED**.

19 It is further ordered that Plaintiffs' Motion to Extend the Page Limit of Plaintiffs'
20 Opposition to Defendant Century Surety Company's Written Objections/Motion to Strike
21 Plaintiffs' Evidence Filed in Opposition to Century's Counter Motion for Summary Judgment or
22 in the Alternative Motion for Partial Summary Judgment (ECF#109) is **DENIED**.

23 DATED this 10th day of October, 2013.

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27 ANDREW P. GORDON
28 UNITED STATES DISTRICT JUDGE